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JANICE MASON,  
Appellant,  
v.  
COMMUNITY COLLEGES OF SPOKANE,  
Respondent.

)  
)  
) Case No. ALLO-02-0030  
)  
) ORDER OF THE BOARD FOLLOWING  
) HEARING ON EXCEPTIONS TO THE  
) DETERMINATION OF THE DIRECTOR  
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1 Appellant appealed the College's denial of her reallocation request to the Department of Personnel.  
2 However, Appellant did not file her allocation request to the Department of Personnel until  
3 September 5, 2002, 35 days after the July 30 letter.

4  
5 Kari Lade, Human Resource Consultant, reviewed Appellant's request for review, and she  
6 concluded that Appellant's appeal was untimely and should be dismissed because the College  
7 completed service of its decision to Appellant on August 1, 2002. The Director's determination  
8 was issued on October 8, 2002.

9  
10 On October 18, 2002, Appellant filed exceptions to the Director's determination with the Personnel  
11 Appeals Board.

12  
13 **Summary of Appellant's Argument.** Appellant argues that she attempted to file her appeal in a  
14 timely manner but was given incorrect information from a Department of Personnel staff member  
15 after she called DOP to obtain appeal information. Appellant asserts that she was directed to send a  
16 letter to the Director of Personnel at 521 Capital Way South, P.O. Box 1789, Olympia, Washington,  
17 98504-1789. Appellant asserts that she submitted her request on August 21, 2002 from Spokane,  
18 Washington, but that it was not date stamped at the Department of Personnel until September 5,  
19 2002. Appellant contends she had no reason to believe that the address was incorrect and she asks  
20 the Board to reconsider the issue of timeliness and review her reallocation request.

21  
22 **Summary of Respondent's Argument.** Respondent contends that Appellant's appeal was  
23 untimely filed at the Department of Personnel. Respondent argues that the determination from the  
24 College denying Appellant's request for reallocation contained the correct address where  
25 Appellant's appeal to the Department of Personnel should be sent. Respondent argues that  
26 Appellant was also informed if she had any questions, to contact Kay Bryant, who made the initial

1 allocation determination. Respondent argues that Appellant, however, did not contact Ms. Bryant  
2 or anyone else within the College to clarify the appeal process. Respondent argues that Appellant's  
3 appeal was appropriately dismissed by the Department of Personnel because Appellant failed to file  
4 her appeal within the 30 days required. Respondent asks that the decision by Department of  
5 Personnel be upheld and the appeal dismissed.

6  
7 **Primary Issue.** Whether Appellant met her burden of proving that her appeal to the Department of  
8 Personnel was timely filed.

9  
10 **Decision of the Board.** WAC 251-06-060(2) allows an employee to file an appeal of an  
11 institution's allocation decision provided the appeal is filed "within thirty calendar days of service  
12 of the response or the effective date of the action, whichever is later. . . ." Appellant has not  
13 shown proof that her appeal to the Department of Personnel was filed within 30 calendar days of the  
14 College's allocation decision. While it is unfortunate that Appellant received inaccurate  
15 information from a representative of the Department of Personnel about where to file her appeal,  
16 WAC 251-06-060(2), nonetheless, is clear that an appeal must to be filed within thirty calendar  
17 days of an institution's determination. Here, Appellant received the College's determination on  
18 August 1, 2002, however, she failed to file her appeal to the Department of Personnel within 30  
19 days. Therefore, the Department of Personnel correctly concluded that Appellant's appeal was  
20 untimely and dismissed the appeal.

21  
22 WAC 251-06-060 provides, in part, that when an employee feels that his/her position is not  
23 properly allocated, he/she may request a position review if six months have elapsed since the date  
24 of the employee's last request for review. Therefore, if Appellant believes her current duties and  
25 responsibilities are outside of her current classification, she may request a position review as  
26 provided in WAC 251-06-060.

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**Conclusion.** Appellant’s appeal to the Department of Personnel was untimely, and the determination of the Director dismissing the appeal, dated October 8, 2002, should be affirmed and adopted.

**ORDER**

NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal of Janice Mason is denied and the determination of the Director dismissing the appeal, dated October 8, 2002, should be affirmed and adopted.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

WASHINGTON STATE PERSONNEL APPEALS BOARD

\_\_\_\_\_  
Walter T. Hubbard, Chair

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Gerald L. Morgen, Vice Chair

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Busse Nutley, Member